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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**FILED**  
**HARRISBURG, PA**

AUG 9 2001

KENNETH ALAN SHIFFER,

**Petitioner.**

VS.

**SUPERINTENDENT BEN VARNER  
THE PA. ATTORNEY GENERAL, AND  
THE COLUMBIA COUNTY OFFICE OF  
THE DISTRICT ATTORNEY,**

### Respondents.

MARY E. DIANDREA, CLERK  
Per [Signature]  
Deputy Clerk

C.A. NO. 1:CV-00-1829  
HABEAS CORPUS ACTION  
VIA STATE PRISONER  
28 U.S.C. §2254

(WILLIAM W. CALDWELL, UNITED STATES DISTRICT JUDGE)

**RESPONDENT, DISTRICT ATTORNEY OF THE COUNTY OF  
COLUMBIA'S ANSWER TO PETITIONER, KENNETH  
ALAN SHIFFER'S PETITION FOR WRIT OF HABEAS CORPUS**

Respondent, John W. McDanel, Columbia County District Attorney, files the following Answer to the Petitioner's Petition.

1. (a) Admitted.  
(b) Admitted.  
(c) Admitted.
2. (a) Admitted.  
(b) Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

7. Denied. It is denied that the Petitioner testified at the time of Trial. And to the contrary, the fact that the Petitioner did not testify at the time of the Trial is one of the alleged habeas corpus grounds set forth by the Petitioner.

8. Admitted.

9. (a) Admitted.

(b) Admitted.

(c) Admitted.

10. Admitted.

11. (a) (1) Admitted.

(2) Admitted.

(3) It is admitted that said grounds were raised.

(4) Admitted.

(5) Admitted.

(6) Admitted.

(b) (1) No response required.

(2) No response required.

(3) No response required.

(4) No response required.

(5) No response required.

(6) No response required.

(c) (1) No response required.

(2) No response required.

(3) No response required.

(4) No response required.

(5) No response required.

(6) No response required.

(d) (1) Admitted.

(2) Admitted.

(3) No response required.

(e) No response required.

12. (a) Denied. It is denied that the Suppression Court erred in not suppressing the eyewitness identification.

(b) Denied. It is denied that the evidence presented was insufficient to sustain a verdict.

(c) Denied. It is denied that counsel was ineffective for failing to permit the Petitioner to testify.

(d) Denied. It is denied that counsel was ineffective for failing to object to the charge of reasonable doubt to the jury.

(e) Denied. It is denied that Trial counsel was ineffective for withdrawing a Pre-Trial Motion for a change of venue or venire.

(f) Denied. It is denied that counsel was ineffective for failing to impeach a police officer about the money in the possession of the victim.

13. No response required.
14. Admitted.
15.
  - (a) Admitted.
  - (b) Admitted.
  - (c) Admitted.
  - (d) Admitted.
  - (e) Admitted.
  - (f) Admitted.
  - (g) Admitted.
16. Admitted.
17. Admitted.
  - (a) No response required.
  - (b) No response required.
  - (c) No response required.

Respectfully submitted,



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JOHN W. McDANEL, ESQUIRE  
COLUMBIA COUNTY DISTRICT ATTORNEY  
ID. #50867